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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,715	01/05/2001	Robert E. Sobol	10003856-1	5166

7590 09/15/2003
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,715

Applicant(s)

SOBOL, ROBERT E.

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 06/23/03 have been fully considered but they are not persuasive. Applicant argues on page 9 that reference fails to disclose "to perform a search of said digital data for an object of a particular type". Bollman discloses in lines 4-5 that this is an automatic cropping of images. Therefore the process is automatic and the selecting of a particular region (column 1 lines 15-25) is automatic and this selecting is the same as a search of the digital data and the particular region is the same as an object of a particular type.
2. Applicant's argument on page 10 states "Bollman does not teach searching digital data for "facial images"". Bollman discloses in column 1 lines 44-50 and column 2 lines 55-65 that pictures such portraits and passport photographs are converted into digital data. Portraits and passport photographs contain facial images and these facial images are the important part of the digital image.
3. Applicant also argues on page 11 that Bollman fails to disclose "such that said graphical object is removed from said graphical image". Bollman discloses in column 1 lines 15-25 the images are often cropped to the foreground and most of the background is discarded. If the background is discarded from the foreground which is the discarded part, then the object is removed from the graphical image.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of faces in the graphical image and determining if one of the faces is close to a center and moving the face higher in the picture must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bollman et al., U.S.

Patent No. 5,978,519.

7. As per claims 1, 9 and 16, Bollman et al discloses a system for automatically cropping graphical images (column 1 lines 4-6), comprising: memory for storing digital data that defines a graphical image (column 2 lines 55-65); an object detector configured to perform a search of said digital data for an object of a particular type and to automatically identify, based on said search, a portion of said digital data that defines an image of an object of said particular type within said graphical image (column 1 lines 16-23); and an image cropper configured to automatically crop said digital data based on a position of said object image within said graphical image (column 1 lines 16-23), said image cropper configured to determine said position of said object image within said graphical image based on said portion automatically identified by said object detector (column 1 lines 16-23).

8. As per claims 2, 10 and 17, Bollman et al discloses wherein said object image is an image of a person's face, and wherein said object detector is configured to search said digital data for facial images (column 1 lines 44-50).

9. As per claims 3, 11 and 18, Bollman et al discloses wherein said image cropper is configured to crop said digital data based on a size of said object image (column 1 lines 16-23).

11. As per claims 4, 12 and 19, Bollman et al discloses wherein said image cropper is configured to crop said digital data based on said position of said object image such that said object image is substantially centered between two edges of said graphical image (fig. 3c).

12. As per claims 5, 13 and 20, Bollman et al discloses wherein said image cropper is configured to crop said digital data based on said position of said object image such that said object image is completely removed from said graphical image (column 1 lines 16-23).
13. As per claims 6, 14 and 22, Bollman et al discloses an input device for receiving an input from a user; and a system manager configured to enable said image cropper based on said user input (column 1 lines 23-26).
14. As per claims 7 and 15, Bollman et al discloses an image capturing device configured to receive an image of a scene and to produce said digital data based on said image received by said image capturing device (column 2 lines 55-65).
15. As per claim 8, Bollman et al discloses wherein said image capturing device includes a lens for receiving said image of said scene and an image converter for producing said digital data based on said image of said scene (column 2 lines 55-65).
16. As per claim 21, Bollman et al discloses wherein said searching and cropping steps are automatically performed in response to said storing step (column 2 lines 55-65).
17. As per claim 23, Bollman discloses wherein said object detector is configured to make a determination as to whether said portion defines a facial image (column 1 lines 45-50 and column 2 lines 55-65).
18. As per claim 24, Bollman discloses wherein said image cropper is configured to automatically crop said digital data such that said object image is removed from said graphical image (column 1 lines 5-50).
19. As per claim 25, Bollman discloses wherein said object image comprises an image of a face (column 1 lines 45-50).
20. As per claim 26, Bollman discloses wherein said graphical object is an image of a face (column 1 lines 45-50).
21. As per claim 27, Bollman discloses further comprising the step of enabling a user to select the type of automatic cropping to be performed in said cropping step (column 1 lines 54-57).

22. As per claim 28, Bollman discloses further comprising the step of making a determination as to whether said object image is a facial image, wherein said cropping step is based on said determination (column 1 lines 45-50).

23. As per claim 29, Bollman discloses wherein said cropping step comprises the step of removing said object image from said graphical image if said determination indicates that said object image is a facial image (column 1 lines 15-25 and 45-50).

24. As per claim 30, Bollman discloses a system for automatically cropping graphical images (column 1 lines 54-57), comprising: memory for storing digital data that defines a graphical image (column 2 lines 55-65); an object detector configured to make a determination as to whether a portion of said digital data defines a facial image (column 1 lines 15-25 and 45-50); and an image cropper configured to automatically crop said digital data based on said determination (column 1 lines 15-25).

25. As per claim 31, Bollman discloses wherein said image cropper is configured to automatically crop said digital data, if said portion defines said facial image, based on a position of said facial image within said graphical image (column 1 lines 15-25 and 45-50).

26. As per claim 32, Bollman discloses wherein said image cropper is configured to automatically crop said digital data such that facial image is removed from said graphical image (column 1 lines 15-25).

27. As per claim 33, Bollman discloses a method for automatically cropping graphical images, comprising the steps of: storing digital data that defines a graphical image (column 2 lines 55-65); determining whether a portion of said digital data defines a facial image (column 1 lines 15-25 and 45-50); and automatically cropping said digital data based on said determining step (column 1 lines 54-57).

28. As per claim 34, Bollman discloses wherein said cropping step is further based on a position of said facial image within said graphical image (column 1 lines 15-23).

29. As per claim 35, Bollman discloses wherein said cropping step comprises the step of removing said facial image from said graphical image (column 1 lines 15-23).

29. Claims 36-43 are rejected under 35 U.S.C. 102(a) as being anticipated by Niyogi et al., U.S. Patent No. 6,144,755.

30. As per claim 36, Niyogi et al discloses a method for cropping a graphical image (abstract), comprising the steps of: detecting a plurality of faces in the graphical image (fig 2 and abstract); determining if one of the faces is close to a center of the graphical image (abstract); and automatically cropping the graphical image (abstract).

31. As per claim 37, Niyogi et al discloses further comprising the step of determining a location in the graphical image of each of the plurality of faces (fig 2 and abstract).

32. As per claim 38, Niyogi et al discloses wherein the step of cropping the graphical image comprises positioning one of the plurality of faces closer to the center (abstract).

33. As per claim 39, Niyogi et al discloses wherein if one face of the plurality of faces is close to the center, then cropping the graphical image to move the one face closer to the center (abstract).

34. As per claim 40, Niyogi et al discloses wherein if one face of the plurality of faces is close to the center, then cropping the graphical image to remove at least one other face of the plurality of faces (abstract).

35. As per claim 41, Niyogi et al discloses a method for cropping a graphical image, comprising the steps of: detecting a face in a digital image of a picture; and automatically cropping the digital image based on a size of the face relative to the digital image (column 4 lines 50-5 and abstract).

36. As per claim 42, Niyogi et al discloses wherein the step of automatically cropping further comprises the step of moving the face closer to a center of the picture (abstract).

37. As per claim 43, Niyogi et al discloses wherein the step of automatically cropping further comprises the step of moving the face higher in the picture (abstract).

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be
directed to the Technology Center 2600 Customer Service Office whose telephone number is
(703) 306-0377.



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600